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SUBJECT: Trial of Djindjic Assassins in Final Stages

¶1. (SBU) Summary: The trial of the suspected assassins of former Prime Minister Zoran Djindjic and their co-conspirators is nearing its final stage. While obstacles could still arise which may delay a final verdict, a ruling is expected around October. Although the case is not done, observers opine that the prosecution probably has presented enough evidence to score a conviction. End Summary.

¶2. (SBU) Milan Simic, Special Advisor for War Crimes and Organized Crime in the SaM Ministry of Human and Minority Rights, told poloff on April 20 that the "Djindjic" trial was at the end of the evidentiary phase and the prosecution and defense are preparing their closing arguments. The trial, which began on December 22, 2003, is temporarily paused and is scheduled to resume on May 10 so that ballistic experts from Wiesbaden, Germany can present their analysis of the assassination and be examined by the defense. However, the ballistic experts have not yet confirmed their attendance, a fact which could further delay continuation of the proceedings until June. (Note: The Court has asked us to help with the Germans and with Human and Minority Rights Minister Ljajic, who has a role in international legal cooperation, in arranging testimony via Digital Video link, which is available at the Serbian Special Tribunal. The Ambassador has raised it with the German Ambassador who has helped arrange German assistance; details are being worked out. End Note) Simic said that he expects the panel of judges overseeing the case to make a ruling in October, following a summer recess from July 15 to September 1. He added that enough evidence has been presented to support a conviction.

¶3. (SBU) A few obstacles remain, however, that could briefly postpone a final ruling. First, the special prosecutor has requested the right to name Dejan "Bugsy" Milenkovic as a witness collaborator and depose him, which could postpone a ruling by up to six months. Chief Judge Marko Klajevic implied to emboffs on April 26, however, that he is inclined to refuse the request as Bugsy's testimony would not contribute significantly to the prosecution's case and additionally may be suspect. Second, should the police arrest the six suspects who remain at large (the prosecutor indicted 19 in all), Simic worried that this would postpone the trial by up to 8 months. Klajevic, however, said that he would not expect a delay of longer than one month because, although the case was not severed against the defendants at large, their appointed defense counsels were present throughout the trial. Third, observers were

concerned that the recent arrest on corruption charges of Klajevic's brother, who had been the chief justice for the Belgrade Commercial Court, had affected his mental and physical health. Klajevic assured emboffs that he is in a sound mental and physical state, is capable of separating his role as a judge from the issue pertaining to his brother, and is not planning to go on sick leave or resign as the head of the panel of judges.

14. (SBU) Comment: After 2.5 years, this dark chapter in Serbia's transition may finally be coming to a close. If so, it will be a victory for Serbia's fledgling courts, which still suffer from heavy political interference, corruption, and inefficiency. It will also be a tribute to Judge Klajevic, to the Special Court itself, which has benefited from considerable U.S. assistance, and to the slow but steady progress we have made in strengthening the rule of law here. Klajevic has worked closely with us and his professional and meticulous work will probably minimize the opportunity for a verdict to be overturned on an appeal, should the court convict the indictees. Embassy will continue to monitor the case closely and assist the court to discharge its duty. End Comment
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